

## REMARKS

In the Advisory Action dated January 27, 2009, the Examiner indicated that the response to the Final Office Action dated October 21, 2008, which was filed electronically on December 24, 2008, did not place the application in condition for allowance. In response, Applicants are filing a RCE and a Second Response to Final Office Action dated October 21, 2008 having a shortened statutory period for response extended one month set to expire on February 21, 2009. The Second Response to Final Office Action is filed in place of the Response to Final Office Action electronically filed on December 24, 2008. Please reconsider the claims pending in the application for reasons discussed below.

### ***Claim Rejections Under 35 U.S.C. § 102 and § 103***

The Examiner rejected claims 1-3, 5-7, 9, 10, 12-15, 17, 18, 20, 21, 28-31, 34, 38, 41-44, 48, 50-55, 90, 91, 95 and 112 under 35 U.S.C. § 102(e) as being anticipated by Burge (US 2002/0145390). The Examiner rejected claims 32 and 37 under 35 U.S.C. § 103(a) as being obvious over Burge. Applicants respectfully traverse the rejection of claim 83, 84, and 86. Additionally, Applicants have amended claims 1, 85 and 115.

Claims 83, 84 and 115 disclose the limitation of creating a vibration by varying a pressure of fluid operatively associated with at least one of the device and the tubing. Burge fails to disclose this limitation. Burge merely discloses creating a vibration by using fluid flow (see Burge, paragraph 0012). Burge further discloses that varying the amount of fluid varies the impact rate (see Burge, paragraph 0034). As known in fluid dynamics, varying a pressure of fluid (as recited in the claims) is different from varying a fluid flow (as recited in Burge). Therefore, Burge does not teach creating a vibration by varying a pressure of fluid, as recited in claims 83, 84 and 115.

Claim 1 includes the limitation of locating an expansion device in tubing to be expanded, wherein the expansion device is coupled to a workstring that extends from a surface of a wellbore and translating the expansion device relative to the tubing by applying a constant driving force to the expansion device via the workstring and claim 85 includes the limitation of pushing on the workstring to translate the expansion device

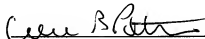
relative to the tubing. Burge fails to disclose these limitations. Burge merely discloses an expansion cone 14 that expands a tubular 12 by moving upward along the tubular 12 (see Burge, paragraph 0041 and Figures 1-2). Burge further discloses that "the expansion process does not require any movement of the drill pipe 18." Burge also states that the movement of the expansion cone 14 is "decoupled from movement of the drill pipe 18 and thus the tubular 12." (see Burge, paragraph 0048) Therefore, the drill pipe 18 in Burge cannot be used to urge expansion cone 14 through the tubular 12 as recited in claims 1 and 85. Further, the expansion cone 14 disclosed in Burge is in sliding contact with the tubular 12 rather than rolling contact with the tubular as recited in claim 86.

As the foregoing illustrates, Burge fails to teach all the limitations claims 1, 83, 84, 85, 86 and 115. This failure precludes Burge from anticipating claims 1, 83, 84, 85, 86 and 115. Further, this failure precludes Burge from rendering claims 32 and 37 obvious. Therefore, Applicants respectfully request the 102(e) and 103(a) rejections of the claims be removed and allowance of the same. Additionally, the claims that depend from claims 1, 83, 84, 85 and 86 are allowable for at least the same reasons as claims 1, 83, 84, 85 and 86.

### **Conclusion**

Having addressed all issues set out in the Final Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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